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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/551,104

12/09/2005

Janet Elizabeth Williams

FORRB 72078

4363

24201 7590 12/29/2006
FULWIDER PATTON
6060 CENTER DRIVE
10TH FLOOR
LOS ANGELES, CA 90045

EXAMINER

JOHNSON, STEPHEN

ART UNIT

PAPER NUMBER

3641

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

12/29/2006

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/551,104

Applicant(s)

WILLIAMS, JANET ELIZABETH

Examiner

Stephen M. Johnson

Art Unit

3641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 and 22-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 and 22-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

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1. The disclosure is objected to because of the following informalities: On page 9, line 20, the numerical indicator 40 should be 30.

Appropriate correction is required.

2. Claims 8, 17, and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 8, line 2, the phrase “the ignitor” lacks an antecedent. In claim 8, lines 4-5, it is not understood as to what structural items are intended to correspond to the claimed “**one or the other** of the triggering apparatus”. Please clarify.

In claim 17, line 2, use of the phrase “such as” makes the claim indefinite as to what items are considered to be closely related to DNA or chemically coded taggants to read on the claim limitations.

In claim 20, applicant claims a “power pack”. It is not understood as to how the power pack interacts with the previously claimed structural elements (see claim 1) to provide power to these structural elements.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 12-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Gawlick et al. (066).

Gawlick et al. (066) discloses a personal safety device comprising:

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- a) a housing having first and second parts; 1, 5
- b) a marking device; 12 or 14
- c) an explosive charge; and 6
- d) a triggering apparatus. 7

5. Claims 1-4, 6-7, and 9-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Duncan III (466).

Duncan III (466) discloses a personal safety device comprising:

- a) a housing having first and second parts; 2, 3
- b) a marking device; 29
- c) an explosive charge; 26
- d) a triggering apparatus; 16, 20
- e) movement of the first and second parts actuates trigger; col. 2, lines 36-40, 70-71
- f) an UV wavelength marking element; and col. 1, lines 18-21
- g) a guard. 15, 32

6. Claims 1-5, 9, and 11-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Jackson (029).

Jackson (029) discloses a personal safety device comprising:

- a) a housing having first and second parts; 14, 22
- b) a marking device; 21
- c) an explosive charge; 28
- d) a triggering apparatus; 53, 54
- e) an ignitor; 59, 62

f) relatively moveable components to produce a spark; and 61, 54, 53

g) a guard. 58

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Duncan III (466) in view of Rosa et al. (658).

Duncan III applies as previously recited. However, undisclosed is a marking agent that is chemical taggant. Rosa et al. teach a marking agent that is a chemical taggant (see claim 13). Applicant is substituting one type of chemical marking agent for another in an analogous art setting as explicitly encouraged by the secondary reference (see claim 13 of Rosa et al.). It would have been obvious to a person of ordinary skill in this art at the time of the invention to apply the teachings of Rosa et al. to the Duncan III device and have a device with a different type of marking agent.

9. Claims 22 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Gargano et al. (678).

Gargano et al. (678) discloses a personal safety device comprising:

- | | |
|---------------------------------------|--------------------------|
| a) a housing; | D1 |
| b) a transceiver; | 2, 12, col. 6, lines 5-6 |
| c) transmission of a distress signal; | col. 6, lines 1-3 |
| d) a plurality of remote receivers; | A1-A3 and SR1-SR3 |

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- | | |
|--------------------------------|----|
| e) a transmitter; and | T |
| f) a re-chargeable power pack. | 26 |

10. Claims 18-20 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gargano et al. (678) in view of Duncan III (466).

Gargano et al. apply as previously recited. However, undisclosed is a personal safety device where a quantity of explosive charge is used to expel a marking agent from a housing in response to mechanical triggering. Duncan III teaches a personal safety device where a quantity of explosive charge is used to expel a marking agent from a housing in response to mechanical triggering (see paragraph 5 above). Applicant is using to personal safety devices in combination where each device performs in the same way as directed prior to their combined usage. It would have been obvious to a person of ordinary skill in this art at the time of the invention to apply the teachings of Duncan III to the Gargano et al. device and have a plurality of personal safety devices used in combination.

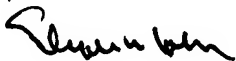
11. Claim 8 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. Johnson whose telephone number is 571-272-6877 and whose e-mail address is (Stephen.Johnson@uspto.gov). The examiner can normally be reached on Tuesday through Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 571-272-6873. The Central FAX phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 800-786-9199.



STEPHEN M. JOHNSON
PRIMARY EXAMINER

Stephen M. Johnson
Primary Examiner
Art Unit 3641

SMJ
December 21, 2006